

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-20282 - APPLICANT: NEVADA POWER COMPANY -
OWNER: RMH TRUST**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Vacation (VAC-20284) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 03/01/07, except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved, to allow no landscaping along the east and west perimeter property lines where an eight-foot landscape buffer is required.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. A Parcel Map, such as PMP-17750, shall record prior to the issuance of any permits for this site or the submittal of any construction plans, whichever may occur first.
13. Dedicate and construct a Bus Turnout in accordance with Standard Drawing #234.3 concurrent with development of this site. The westernmost driveway shall be permitted to remain as-is, and the middle driveway servicing this site shall be removed and replaced with sidewalk, curb and gutter meeting current City Standards concurrent with development of this site. Final driveway configuration shall meet the approval of the City Traffic Engineer and the Nevada Department of Transportation.
14. Landscape and maintain all unimproved right-of-way, if any, within the Holmby Avenue alignment adjacent to this site.
15. Submit an Encroachment Agreement for all landscaping, if any, located in the Holmby Avenue public right-of-way adjacent to this site prior to occupancy of this site.
16. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, or the submittal of any construction drawings for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
17. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is for a Site Development Plan Review for a proposed Electric Utility Substation and a Waiver of the perimeter landscape buffer standard to allow zero-foot wide landscape buffers where eight-foot wide landscape buffers are required along the east and west property lines at 7175 and 7185 West Charleston Boulevard. Companion applications for a Vacation of a Patent Reservation will be considered along with this proposed site plan, and for a Variance (VAR-21724) to allow the perimeter screen wall to be 15 feet high where eight feet is the maximum allowed. In addition, a Variance (VAR-21632) to allow a 10-foot rear yard setback for an existing commercial building where 20 feet is the minimum setback required will be considered for the site immediately to the north of the proposed Electric Utility Substation. This Variance is necessary as it is a condition of a submitted Parcel Map which would establish the subject site. No landscape buffers will separate the subject site from the properties to the east and the west, and therefore staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/23/89	The Board of Zoning Adjustment approved a Variance (V-0163-88) to allow an office and storage addition to an existing restaurant with 98 spaces where the use requires 209 spaces.
1/26/98	The City Council approved a request to amend the General Plan (GPA-0065-97) on property located at 7185 W. Charleston Boulevard from ML (Medium-Low Density Residential) to SC (Service Commercial). The Planning Commission recommended approval of the General Plan Amendment on 12/18/97.
1/26/98	The City Council approved a request for a Rezoning (Z-0121-97) on property located at 7185 W. Charleston Boulevard from U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] and C-1 (Limited Commercial) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) Zone. The Planning Commission recommended approval of the proposed Rezoning on 12/18/97.
11/07/02	The Planning Commission recommended approval of a Site Development Plan Review (SDR-1014) This application is a request for a Site Development Plan Review and a reduction of the on-site perimeter landscaping requirements for a proposed restaurant on a 4.9 acre parcel at 7185 West Charleston Boulevard that includes the subject site. Staff recommended approval.

11/30/06	A Parcel Map (PMP-17750) was administratively denied by the Planning and Development Department, and will be reconsidered once the specified conditions are addressed.
04/26/07	The Planning Commission held in abeyance this application and a companion Vacation (VAC-20284) of a patent easement until the May 24, 2007 meeting.
05/24/07	The Planning Commission recommended approval of companion items VAR-21632, VAR-21724 and VAC-20284 concurrently with this application. The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #42/rl).

<i>Related Building Permits/Business Licenses</i>	
04/02/86	Application first filed for a Business License (R09-0025-6-030783) for Restaurant - Seating 45 or more for The Hush Puppy Restaurant adjacent to the proposed Substation.
01/24/91	Active Business License (F09-00018-3-095215) first issued for Food Wholesale & Delivery to Scotties Food adjacent to the proposed Substation.
02/06/90	Active Business License (L16-00207-4-000691) first issued for a Tavern to The Hush Puppy adjacent to the proposed Substation.
07/19/91	Active Business Licenses (G01-01455-4-000530) for Gaming Restricted and (C20-01455-7-000530) for Convention Hall Gaming Tax first issued to The Hush Puppy adjacent to the proposed Substation.
04/11/05	Building Permits issued for a drive thru and pole sign for the expansion of the Hush Puppy Restaurant to the north of the subject site.

<i>Pre-Application Meeting</i>	
11/07/06	A pre-application meeting was held to discuss the proposed electric substation. The discussion focused largely on on-site and off-site improvements, necessary street improvements and access agreements.
02/20/07	A follow-up meeting was held in order to further discuss progress on the required street improvements and site access issues.
<i>Neighborhood Meeting</i>	
11/16/06	A neighborhood meeting was held by the applicant; however no members of the public attended.
<i>Field Check</i>	
03/22/07	A field check was conducted in order to ascertain site conditions as they pertain to the proposed Electric Utility Substation and related Vacation.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	4.98

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped, Proposed Electric Substation	SC (Service Commercial)	C-1 (Limited Commercial)
North	Restaurant, Tavern, Retail, Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Apartments	M (Medium Density Residential)	C-1 (Limited Commercial)
West	Office	SC (Service Commercial)	R-PD19 (Residential Planned Development – 19 Units Per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following Development Standards Apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	126,000 SF	Y
Min. Lot Width	100 Feet	300 Feet	Y
Min. Setbacks			
• Front	20 Feet	21.7 Feet	Y
• Side	10 Feet	49.4 Feet	Y
• Rear	20 Feet	36 Feet	Y

Pursuant to Title 19.12, the following Landscaping Standards Apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer:				
Min. Trees				
North	1 Tree/30 Linear Feet	11 Trees	11 Trees	Y
South	1 Tree/20 Linear Feet	17 Trees	17 Trees	Y
Driveway	1 Tree/20 Linear Feet	17 Trees	19 Trees	Y
Charleston Blvd	1 Tree/30 Linear Feet	0 Trees	7 Trees	Y
East	1 Tree/20 Linear Feet	14 Trees	0 Trees	N*
West	1 Tree/30 Linear Feet	10 Trees	0 Trees	N*
TOTAL		70 Trees	54 Trees	N*
Min. Zone Width				
• North	8 Feet		8 Feet	
• South	15 Feet		15 Feet	Y
• East	8 Feet		0 Feet	Y
• West	8 Feet		0 Feet	N*
• Charleston Blvd.	15 Feet		15 Feet	N*
• East of Driveway	8 Feet		25 Feet	Y
Wall Height	15 Feet		15 Feet	N**

* Waiver requested, see below.

** Subject if Related Variance (VAR-21724)

Waivers		
Request	Requirement	Staff Recommendation
No perimeter landscape buffer along east property line.	8 foot buffer and 14 trees	Denial.
No perimeter landscape buffer along west property line.	8 foot buffer and 10 trees	Denial.

ANALYSIS

- Zoning

The subject site is located in the C-1 (Limited Commercial) zone. An Electric Utility Substation is a permitted use in this zone.

- Site Plan

The site plan depicts a standard Electric Utility Substation with access from Charleston Boulevard. A driveway shared with the adjacent restaurant provides this access.

Title 19.10 does not contain any Parking Standards for Electric Utility Substations as the facility is not open to the public and contains only equipment. No buildings are part of the application request. Nevada Power personnel will park within the facility or on the paved driveways outside the access gate when visiting the site. A related Variance (VAR-21724) to allow the screen wall to be 15 feet high where 8 feet is the maximum would be necessary, and is, along with the necessary landscape waivers, the reason that staff recommends denial.

- Landscape Plan

Fifty-four trees are provided on the site where 70 are required. The landscape plan indicates that no landscaping will be provided on the east or west property lines between the perimeter wall of the substation and the perimeter walls of the adjacent properties. However, sufficient landscaping is provided along Charleston Boulevard as well as the Holmby flood channel. The landscaping that is provided along the north and south perimeters, as well as along the entrance driveway, meets the requirements of Title 19. The selected trees and shrubs are appropriate for the surrounding area.

- Waivers

The applicant requests a Waiver to allow no perimeter landscape buffer along the east property line where an eight-foot buffer is required, and a Waiver to allow no perimeter landscape buffer along the west property line where an eight-foot buffer is required.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent development as no buffer will be provided between the proposed substation and existing apartments to the east and existing offices to the west.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

While the proposed development does offer additional landscaping along Charleston Boulevard, it does not meet Title 19 landscape standards because no landscaping is to be located along the east or west perimeter boundaries of the proposed substation. Further, a Variance (VAR-21724) is required to allow a 15 foot perimeter screen wall where 8 feet is the maximum height allowed. Due to these deficiencies, staff recommends denial

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

With an approved Parcel Map with approved access to the proposed substation from a public right-of-way, site access and circulation will not negatively impact adjacent roadways or neighborhood traffic, and in fact, improvements will be made to the Charleston Boulevard right-of-way. Nevertheless, the proposed development is not compatible for reasons mentioned above, and therefore staff does not support this request.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The building and landscape materials depicted are appropriate for the area and for the city; however, with no landscape buffer provided for development to the east and west of the proposed substation, this application is not appropriate.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The design characteristics are not harmonious and compatible with the development to the east and west of the proposed substation as no landscape buffers are provided.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

Appropriate measures are not taken to secure and protect the general welfare in that no landscape buffers are provided adjacent to the east and west property lines of the proposed substation.

PLANNING COMMISSION ACTION

Note: The Planning Commission recommended additional landscaping on the east side of the property.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 237 by Planning Department

APPROVALS 0

PROTESTS 2